

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



November 23, 2005

Regulation Package #1104-07

CDSS MANUAL LETTER NO. CCL-05-16

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,
CHAPTER 6, ADULT RESIDENTIAL FACILITIES

Regulation Package #1104-07**Effective 11/3/05****Section 85068.4**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/AdultResid_625.htm.

Current licensing standards and existing regulations provide protection for clients who use postural supports by prohibiting the use of the support as a form of restraint. These amendments repeal references to the approval requirement from the Department for postural supports and specify that the client's physician's order for the postural support must be maintained in the client's record. The amendment for the requirement of bed rails that extend half the length of a client's bed is to clarify the condition upon use. These amendments will effectively reduce Department staff procedures and costs, thereby, allowing Departmental resources to be applied toward the oversight of more important health and safety issues.

Current regulations require facilities to apply for Department approved waivers and exceptions to accept individuals who are over the age of 59 to reside in an Adult Residential Facility. These amendments eliminate the need for Department approved waivers and exceptions by allowing facilities to accept and retain individuals over the age of 59 whose needs are compatible with other clients, if they require the same level of care and supervision as do the other clients in the facility, and the licensee is able to meet their needs. These amendments will effectively reduce Department staff procedures and costs, thereby, allowing Departmental resources to be applied toward the oversight of more important health and safety issues.

These regulations were considered at the Department's public hearing held on July 13, 2005.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-05-15. The latest prior manual letter containing Adult Residential Facilities regulation changes was Manual Letter No. CCL-04-10.

Page(s)Replace(s)

20 through 21

Pages 20 through 21

Attachments

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85068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN
(Continued)**85068.3**

- (2) If it is determined that the client's needs can be met, the licensee in conjunction with the consultant shall develop and maintain in the facility a written Needs and Services Plan that must include the following:
 - (A) Objectives, within a time frame, that relate to the client's problems and/or needs.
 - (B) Plans for meeting the objectives.
 - (C) Identification of any individuals or agencies responsible for implementing and evaluating each part of the plan.
 - (D) Method of evaluating progress.
- (3) If it is determined that the client's needs cannot be met, the licensee shall inform the client and/or his/her authorized representative, if any, or responsible person, if there is no authorized representative, of this fact and shall request that the client relocate.
 - (A) If the client refuses to relocate, the licensee may evict the client in accordance with Section 80068.5.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, and 1531, Health and Safety Code.

85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**85068.4**

- (a) The licensee shall not accept or retain the following:
 - (1) Persons with prohibited health conditions specified in Section 80091.
 - (2) Persons who require inpatient care in a health facility.
 - (3) Persons who have needs which are in conflict with other clients or the program of services offered.
 - (4) Persons who require more care and supervision than is provided by the facility.
 - (5) Any person whose primary need is acute psychiatric care due to a mental disorder.

85068.4 ACCEPTANCE AND RETENTION LIMITATIONS
(Continued)**85068.4**

- (b) The licensee shall not admit, but may retain, persons who are over 59 years of age whose needs are compatible with other clients, if they require the same level of care and supervision as do the other clients in the facility, and the licensee is able to meet their needs.
 - (1) Licensees are not required to obtain an exception for clients over the age of 59 as long as the number of persons over the age of 59 does not exceed 50 percent of the census in facilities with the capacity of six and under.
 - (2) Licensees are not required to obtain an exception for clients over the age of 59 as long as the number of persons over the age of 59 does not exceed 25 percent of the census in facilities with a capacity of over six.
- (c) Retention of clients shall be in accordance with the client's Needs and Services Plan, required by Section 85068.2 and the criteria specified in Section 80092, Restricted Health Conditions.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, and 1531, Health and Safety Code.

85068.5	EVICITION PROCEDURES	85068.5
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Repealed by Manual Letter No. CCL-97-05, effective 2/1/97.

85069.3	MENTAL HEALTH INTAKE ASSESSMENT	85069.3
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- (a) In order to determine his/her ability to provide the services needed by a client with mental illness, the licensee of an ARF shall ensure that a written intake assessment is prepared as required by Health and Safety Code Section 1562.6(a).

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1562.6(a) is paraphrased in pertinent part:

The administrator of an adult residential care facility that provides services for residents who have mental illness shall ensure that a written intake assessment is prepared by a licensed mental health professional prior to acceptance of the client. This assessment may be provided by a student intern if the work is supervised by a properly licensed mental health professional. Facility administrators may utilize placement agencies, including, but not limited to, county clinics for referrals and assessments.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, 1530, 1531 and 1562.6, Health and Safety Code.

85070	CLIENT RECORDS	85070
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- (a) In addition to Section 80070, each client record must contain the following information:
- (1) Last known address.
 - (2) Religious preference, and name and address of clergyman or religious advisor, if any.
 - (3) Needs and Services Plan and any modifications thereto, as specified in Sections 80068.2, 80068.3, 85068.2 and 85068.3.
 - (4) Mental Health Intake Assessment specified in Section 85069.3.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531, 1533, 1534 and 1538, Health and Safety Code.

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